

Douglas, Brad

From: Smith, Terrie
Sent: Monday, February 11, 2019 2:01 PM
To: Douglas, Brad
Subject: FW: Fairfield Rape Kit Records Request - FOIA

From: Moore, Matt [mailto:Matt.Moore@hearst.com]
Sent: Monday, February 11, 2019 1:13 PM
To: Smith, Terrie <Terrie.Smith@fairfield.sc.gov>
Subject: Fairfield Rape Kit Records Request - FOIA

Good afternoon,

This is a standardized request sent to each sheriff's office in South Carolina.

Pursuant to South Carolina public records law (Title 30 of the South Carolina Code of Laws), I hereby request the following documents:

- Any and all policies, procedures, memorandums, directives, and any other guiding materials regarding matters pertaining to the collection, maintenance, transfer, and disposal of sexual assault evidence collection kits (also known as "sexual assault kit", "sexual offense evidence collection kit", "sexual assault forensic evidence kit", "physical evidence recovery kit", "rape test kit", or "rape kit"), including, but not limited, to the following:
 1. Policies and procedures related to the initial collection of sexual assault evidence collection kits.
 2. Policies and procedures regarding the timeframe of the collection and testing of sexual assault evidence collection kits including the timeframe required for sexual assault evidence collection kits testing by the examiner (also known as "sexual assault examiners", "sexual assault nurse examiners", or "sexual assault forensic examiners").
 3. All mechanisms by which sexual assault evidence collection kits are or can be tested including all designated facilities where sexual assault evidence collection kits can be performed.
 4. Policies and procedures regarding the maintenance and transfer of sexual assault evidence collection kits.
 5. Policies and procedures concerning a petition to test a sexual assault evidence collection kits.
 6. Policies and procedures related to the process of checking the status of a sexual assault evidence collection kits and the notification provided to survivors regarding their sexual assault evidence collection kits.
 7. Policies and procedures regarding the statute of limitations for maintenance and or storage of sexual assault evidence collection kits, both tested and untested.
- Please also provide all available data, statistics, or reports regarding:
 1. The number of sexual assault evidence collection kits collected by the agency.
 2. The number of sexual assault evidence collection kits tested by or on behalf of the agency.
 3. The timeframe between collection and testing of sexual assault evidence collection kits.
 4. The number of requests to check the status of sexual assault evidence collection kits. (Please note this is not a request for identifying or confidential information of survivors or their cases or sexual assault evidence collection kits.)

Please notify me if further clarification is needed.

I would ask any fee associated with this request be waived as the matter is of great public interest and public safety. In the event that there are fees, please let me know before fulfilling my request.

I would prefer to receive these records in a digital format and by email if possible.

If any information is more readily available than other parts of the request, please send those records as soon as they're available.

Thank you,
Matt

1. Policies and procedures related to the initial collection of sexual assault evidence collection kits.- The Fairfield County Sheriff's Office Policy regarding, specifically, the collection of CSC (Criminal Sexual Conduct) Kits (Policy #500, IV, C, 6) is as follows:

1. Sexual Assault Evidence

- a. One piece of evidence per container/ bag.
 - b. Each piece of evidence will have a label.
 - c. Evidence requiring refrigeration (collection kits) must be processed and stored at once.
 - d. Notify the Evidence Custodian of any sexual assault evidence by submitting the evidence/property receipt to the Evidence Custodian before the end of the deputy's tour of duty.
2. Policies and procedures regarding the timeframe of the collection and testing of sexual assault evidence collection kits including the timeframe required for sexual assault evidence collection kits testing by the examiner (also known as "sexual assault examiners", "sexual assault nurse examiners", or "sexual assault forensic examiners").- The Fairfield County Sheriff's Office has no policy on the timeframe for collection and testing of CSC kits because of several factors outside of the control of law enforcement. Generally, we always try to get a CSC kit completed as soon as possible after the incident has been reported to us. However, there are times when victims are hesitant to submit to these examinations, for many different reasons, and may wait for a period of time before agreeing to the examination.

Because we do not actually collect the evidence from the victims, we rely on specially trained SANE nurses (Sexual Assault Nurse Examiners) to conduct these examinations and collect and package evidence. Our policies cannot dictate their timeframes, although they have always been very efficient and professional. They notify us after the collections have been made and make arrangements for us to retrieve these kits, all while maintaining the integrity of the custody. These CSC kits are immediately transported to the FCSO (Fairfield County Sheriff's Office Evidence/Property Room and properly stored in a refrigerator.

At the request of the investigator assigned to the case, these CSC kits will then be taken to SLED (South Carolina Law Enforcement Division) for lab analysis, usually within 1-2 weeks of receiving them. Again, we do not do any testing at our agency and, therefore, cannot dictate, by policy or memo, any type of timeframe regarding the testing that is conducted at SLED.

3. All mechanisms by which sexual assault evidence collection kits are or can be tested including all designated facilities where sexual assault evidence collection kits can be performed.- When a CSC Kit is required, FCSO routinely sends victims to Richland Memorial Hospital to be examined by a SANE nurse. The CSC Kits that are supplied to us by SLED are the only mechanism that we use in CSC cases.

4. Policies and procedures regarding the maintenance and transfer of sexual assault evidence collection kits.- FCSO has no specific policy for the maintenance and transfer of CSC Kits. However, these kits are handled and transported in the same manner as our protocols for any other type of evidence. These kits, along with other perishable evidentiary items such as blood and bodily fluids, are continuously maintained in a refrigerator in a secure area prior to being sent to SLED for analysis and after being returned to our agency.
5. Policies and procedures concerning a petition to test a sexual assault evidence collection kits.- FCSO does not have a policy concerning a petition to test a CSC Kit. To our knowledge, we have never received a petition to test a CSC Kit.
6. Policies and procedures related to the process of checking the status of a sexual assault evidence collection kits and the notification provided to survivors regarding their sexual assault evidence collection kits. - The Fairfield County Sheriff's Office does not have a policy for the process of checking the status of CSC Kits. If any inquiries are made to FCSO regarding the status of these kits, there is a simple process whereby the assigned investigator can check SLED I-Lab or make a phone call to the SLED lab to check their status.

Regarding the notification of survivors, while there is no policy regarding the notification of survivors, it is a common practice for our assigned investigator to keep regular communications with survivors to keep them apprised of any updates to the case, which would include the status of CSC Kits.

7. Policies and procedures regarding the statute of limitations for maintenance and or storage of sexual assault evidence collection kits, both tested and untested. – FCSO does not have a policy regarding the statute of limitations.

Please also provide all available data, statistics, or reports regarding:

1. The number of sexual assault evidence collection kits collected by the agency. The Fairfield County Sheriff's Office collected 7 CSC Kits in 2018.
2. The number of sexual assault evidence collection kits tested by or on behalf of the agency. The Fairfield County Sheriff's Office had 2 of these 7 kits, from 2018, tested.
3. The timeframe between collection and testing of sexual assault evidence collection kits. One kit was collected on 03/17/2018 and sent to SLED on 03/26/2018. The second was collected on 07/01/2018 and sent to SLED on 07/20/2018.
4. The number of requests to check the status of sexual assault evidence collection kits. (Please note this is not a request for identifying or confidential information of survivors or their cases or sexual assault evidence collection kits.) The Fairfield County Sheriff's Office did not submit any requests to check the status of sexual assault kits.